

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RALPH RAYMOND BROWN,)	
)	
Plaintiff,)	
)	
v.)	02: 06-cv-0804
)	
KIA MOTORS CORPORATION and)	
KIA MOTORS AMERICA, INC.,)	
)	
Defendants.)	

ORDER OF COURT

Presently before the Court is the MOTION TO QUASH DEFENDANTS' NOTICES TO TAKE VIDEO DEPOSITIONS OF TALFRED BREEDEN AND CYNDI BROWN filed by Plaintiff (Document No. 160) and the BRIEF IN OPPOSITION filed by Defendants (Document No. 162). The Motion is denied for lack of jurisdiction.

On August 19, 2009, at the request for counsel for Defendants, the United States District Court for the Eastern District of Virginia issued subpoenas for non-parties, Talfred Breeden and Cyndi Brown, to each appear at a videotaped deposition scheduled for October 26, 2009, at the Page County Circuit Court Building, Board of Supervisors Meeting Room, South Court Street, Luray, Virginia. On that same day, counsel for Defendant also served upon counsel for Plaintiff, as well as upon the non-parties, Notices of Videotaped Depositions.

Plaintiff moves the Court to quash the "Defendants' Notices;" interestingly, however, Plaintiff makes no reference in its Motion that Subpoenas for these depositions had been issued by the United States District Court for the Eastern District of Virginia.

This is not the first time that Plaintiff has requested this Court to quash a subpoena which was not issued by this Court. As the Court previously explained, under Rule 45 of the

Federal Rules of Civil Procedure, a motion to quash a subpoena must be addressed to the court that issued the subpoena. Fed.R.Civ.P. 45(c)(3). As a result, this Court lacks jurisdiction to consider Plaintiff's motion, and the motion is, therefore, **DENIED**.

As an aside, the Court notes that it appears that Plaintiff's motion is untimely under Federal Rule of Civil Procedure 45(c)(2); however, that is an issue better left for the United States District Court for the Western District of Virginia to decide, if need be.

So **ORDERED** this 7th day of October, 2009.

BY THE COURT:

s/Terrence F. McVerry

United States District Court Judge

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